

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION

ALTURO PASCO,

Plaintiff

VS.

JAMES DONALD, *et al.*,

Defendants

NO. 5: 06-CV-141 (CAR)

PROCEEDINGS UNDER 42 U.S.C. §1983
BEFORE THE U. S. MAGISTRATE JUDGE

RECOMMENDATION ON MOTION FOR JUDGMENT

Upon consideration of plaintiff's Motion for Judgment (Tab #10) because of the alleged failure of the defendants to timely file responsive pleadings, the undersigned finds no basis therefor. An Answer was timely filed on behalf of the defendants. Tab #11. *See* Rule 4 of the Federal Rules of Civil Procedure.¹ Accordingly, IT IS RECOMMENDED that plaintiff's motion be **DENIED**. Pursuant to 28 U.S.C. §636(b)(1), the parties may file written objections to this RECOMMENDATION with the Clerk of court directed to the district judge assigned to this case, **WITHIN TEN (10) DAYS** after being served with a copy thereof.

SO RECOMMENDED, this 27th day of FEBRUARY, 2007.



A handwritten signature in blue ink, reading "Claude W. Hicks, Jr.".

CLAUDE W. HICKS, JR.
UNITED STATES MAGISTRATE JUDGE

¹ Rule 4 of the **Federal Rules of Civil Procedure** was amended effective December 1, 1993 to substantially increase the time permitted for responding to a complaint. If a defendant properly files a WAIVER OF SERVICE with the court, he is not required to file an answer or other responsive pleading until 60 days after the date on which the request for waiver of service was sent to him. **See Rule 4(d)(3).**